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8 Attorneys for Third-Party Applicant  
PETER BAKER

9  
10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA

12 FEDERAL TRADE COMMISSION, )  
13 Plaintiff, )  
14 vs. )  
15 AMERIDEBT, INC., et al., )  
16 Defendants. )

17 PETER BAKER, )  
18 Third-Party Applicant/ )  
19 Appellant, )  
20 vs. )  
21 ROBB EVANS & ASSOCIATES, )  
22 Receiver, )  
23 Respondent/Appellee, )

CASE NO. CV05 80253-MISC JSW(EDL)

[Referred for all Purposes to  
Magistrate Judge Elizabeth D. Laporte  
pursuant to 28 USC § 636(c)(1)]

**STIPULATION RE ORDER  
DENYING MOTION TO QUASH  
PENDING RULING ON “EX PARTE  
APPLICATION FOR STAY  
PENDING CONSIDERATION OF  
OBJECTION TO ORDER OF  
MAGISTRATE JUDGE AND STAY  
PENDING APPEAL OF THE  
ORDER IF OBJECTION IS NOT  
SUSTAINED”; ORDER THEREON**

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1 Third-Party Movant Peter Baker ("Mr. Baker") and Receiver Robb  
2 Evans & Associates, Inc. ("Receiver"), by and through their respective attorneys  
3 of record, hereby stipulate and agree as follows:

4 WHEREAS, on January 31, 2006, Magistrate Judge Elizabeth D.  
5 Laporte issued an order denying Mr. Baker's motion to quash that certain  
6 subpoena served by the Receiver on Google, Inc. (the "Order"). Pursuant to the  
7 Order, Mr. Baker is required to, "[w]ithin ten business days of receiving the  
8 documents from Google, provide to the Receiver all non-privileged documents  
9 obtained from Google, and a privilege log documenting each document withheld  
10 on attorney-client or privacy grounds";

11 WHEREAS, on February 9, 2006, Mr. Baker filed his "*Ex Parte*  
12 Application for Stay Pending Consideration of Objection to Order of Magistrate  
13 Judge and Stay Pending Appeal of the Order if Objection is Not Sustained" (the  
14 "*Ex Parte* Application);

15 WHEREAS, on February 15, 2006, Magistrate Judge Elizabeth D.  
16 Laporte issued her "Notice and Order Setting Briefing Schedule," pursuant to  
17 which a hearing on the *Ex Parte* Application has been set for March 14, 2006;

18 WHEREAS, Mr. Baker desires to preserve the status quo pending  
19 the hearing on the *Ex Parte* Application, and the Receiver is amenable to the  
20 same as set forth herein.

21 WHEREFORE, the parties stipulate and agree as follows:

22 1. Pending the ruling on the *Ex Parte* Application, Mr. Baker is  
23 not required to provide to the Receiver all non-privileged documents obtained  
24 from Google, and a privilege log documenting each document withheld on  
25 attorney-client or privacy grounds.

26 2. In the event the *Ex Parte* Application is denied, Mr. Baker  
27 shall, within ten business days of entry of the order denying the *Ex Parte*  
28 Application, provide to the Receiver all nonprivileged documents obtained from

Google, and a privilege log documenting each document withheld on attorney-client or privacy grounds, in the manner stated in the Order, provided however Mr. Baker retains the right to petition the Ninth Circuit Court of Appeals for a stay of the Order pending appeal.

3. This stipulation shall not be deemed a waiver of rights as to any party hereto.

4. All other provisions of the Order remain unaffected by this Stipulation.

DATED: February 17, 2006

RUS, MILIBAND & SMITH  
A Professional Corporation

By: 

LEO J. PRESIADO  
Attorneys for Third-Party Applicant  
PETER BAKER

DATED: February 17, 2006

McKENNA, LONG & ALDRIDGE LLP

By: \_\_\_\_\_

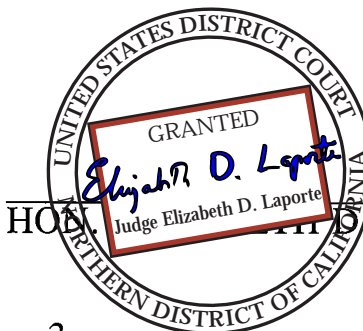
GARY O. CARIS  
Attorneys for Receiver  
ROBB EVANS & ASSOCIATES, INC.

ORDER

Based on the Stipulation of the parties and good cause appearing therefor;

IT IS SO ORDERED.

DATED: February 22, 2006



HON. 

JUDGE ELIZABETH D. LAPORTE

1 Google, and a privilege log documenting each document withheld on attorney-  
2 client or privacy grounds, in the manner stated in the Order, provided however  
3 Mr. Baker retains the right to petition the Ninth Circuit Court of Appeals for a  
4 stay of the Order pending appeal.

5 3. This stipulation shall not be deemed a waiver of rights as to  
6 any party hereto.

7 4. All other provisions of the Order remain unaffected by this  
8 Stipulation.

9  
10 DATED: February 17, 2006

RUS, MILIBAND & SMITH  
A Professional Corporation

11  
12  
13 By: \_\_\_\_\_

LEO J. PRESIADO  
Attorneys for Third-Party Applicant  
PETER BAKER

14  
15  
16 DATED: February 17, 2006

McKENNA, LONG & ALDRIDGE LLP

17  
18  
19 By:  \_\_\_\_\_

GARY O. CARIS  
Attorneys for Receiver  
ROBB EVANS & ASSOCIATES, INC.

20  
21  
22 ORDER

23 Based on the Stipulation of the parties and good cause appearing  
24 therefor;

25 IT IS SO ORDERED.

26  
27 DATED:

28 HON. ELIZABETH D. LAPORTE

**PROOF OF SERVICE**

CASE NO. CV05 80253-MISC JSW(EDL)

STATE OF CALIFORNIA     }  
COUNTY OF ORANGE       } ss.

I am employed in the County of Orange, State of California. I am over the age of 18 and not a party to the within action; my business address is 2600 Michelson Drive, Seventh Floor, Irvine, California 92612.

On February 22, 2006, I served the foregoing documents described as

**STIPULATION RE ORDER DENYING MOTION TO QUASH PENDING RULING ON "EX PARTE APPLICATION FOR STAY PENDING CONSIDERATION OF OBJECTION TO ORDER OF MAGISTRATE JUDGE AND STAY PENDING APPEAL OF THE ORDER IF OBJECTION IS NOT SUSTAINED"; ORDER THEREON**

on the interested parties in this action by placing a true copy thereof enclosed in sealed envelopes addressed as follows:

**SEE ATTACHED SERVICE LIST**

☒ (By U.S. Mail) As follows: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice, it would be deposited with U.S. Postal Service on that same day with postage thereon fully prepaid at Irvine, California, in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

\_\_\_\_ (By Facsimile) As follows: I caused the above-referenced document(s) to be transmitted to the above persons.

\_\_\_\_ (By Hand Delivery) As follows: I caused the above-referenced document(s) to be hand-delivered to the above persons.

\_\_\_\_ (By Overnight Delivery) As follows: By overnight delivery via Overnite Express and/or Federal Express to the offices of the above persons.

Executed on **February 22, 2006**, at Irvine, California.

☒ (Federal ) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

  
**MARIA Q. HERNANDEZ**

**SERVICE LIST**

*Federal Trade Commission vs. Ameridebt, Inc., et al.;*  
*Peter Baker vs. Robb Evans & Associates*

CASE NO. CV05 80253-MISC JSW(EDL)

ATTORNEYS FOR RECEIVER:

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Lesley Anne Hawes, Esq.  
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*Courtesy Copy:*

ATTORNEYS FOR GOOGLE:

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